

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT JAHODA, individually and on	:	
behalf of all others similarly situated,	:	
	:	Case No. 2:12-cv-00504-NBF-CRE
Plaintiff,	:	
	:	U.S. District Judge Nora Barry Fischer
v.	:	Magistrate Judge Cynthia Reed Eddy
	:	
CITIZENS BANK OF PENNSYLVANIA,	:	
	:	
	:	
Defendant.	:	

STIPULATION OF DISMISSAL AND PROPOSED ORDER

Plaintiff Robert Jahoda (“Plaintiff”) and Defendant Citizens Bank of Pennsylvania, by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Civ. P. 23(e), hereby stipulate to the dismissal of this action, with prejudice as to Plaintiff’s individual claims, and without prejudice as to the claims of any alleged class members. No motion for class certification has been filed and no class has been certified in this action.

Accordingly, class notice and Court approval of the settlement are not required under Fed R. Civ. P. 23(e). In exchange for the Plaintiff’s individual release of claims set forth in a Confidential Settlement Agreement and Release dated as October 18, 2012 (the “Settlement Agreement”) and such other consideration set forth in the Settlement Agreement, Defendant Citizens Bank of Pennsylvania, without admitting any liability or violation, has agreed, among other things in the Settlement Agreement, to the following:

1. Defendant has completed any remaining ATM modifications and/or ATM replacements pursuant to its ADA Compliance Plan for ATMs to meet the 2010 Americans with Disabilities Act Standards for Accessible Design (“2010 Standards”), including any applicable safe harbor, as of July 31, 2012.

2. Defendant has confirmed that it has an internal policy that provides that the Bank shall maintain its ATMs in compliance with the ADA and Chapter 7, Section 707, of the 2010 Standards, including any applicable safe harbor.
3. Defendant has confirmed that it has an employee or officer who is responsible for overseeing the implementation of the Defendant's ADA Compliance Plan for ATMs.
4. Defendant has agreed that Plaintiff's Counsel or their designee shall have the right to examine some or all of Defendant's ATMs for compliance with the 2010 Standards.
5. Defendant has agreed to pay certain attorney's fees and costs as set forth in a confidential letter agreement, as described in Paragraph 6 of the Settlement Agreement.

In accordance with the terms of this Stipulation and their Settlement Agreement, the parties request that the Court enter the attached Order dismissing with prejudice Plaintiff Robert Jahoda's individual claims and dismissing without prejudice the claims of any alleged class members, and retaining jurisdiction to interpret and enforce the terms of the Stipulation and Settlement Agreement entered into by the parties.

By: **CARLSON LYNCH LTD.**

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